S.B.CRIMINAL MISC. BAIL APPLICATION NO.4831/2006

Date : 03.11.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Sandeep Mehta for the applicant.
Mr. V.R. Mehta, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that from perusal of suicidal note, it would appears that accused applicant was not responsible for suicide committed by the deceased. He submits that statements of 16 witnesses have been recorded and there are in all 25 witnesses in the case. He further submits that the case is not under Section 304B IPC but only under Section 306 IPC.

On the other hand, learned Public Prosecutor has opposed the bail application.

In the instant case, allegations are prima facie available on record regarding cruel behaviour attributed towards the deceased, therefore, without expressing any opinion on the merit of the case, I do not find it to be a fit case to extend benefit of bail to the applicant. Accordingly, the bail application moved by the applicant under Section 439 Cr.P.C. is rejected.

(SATYA PRAKASH PATHAK), J.

vijayant